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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,944	08/08/2002	Markku Korpi	449122024900	4693
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MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER JAGANNATHAN, MELANIE	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,944

Applicant(s)

KORPI ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 11 is objected to because of the following informalities: on line 1, claim depends from cancelled claim 1. Examiner will assume Applicant intended for claim 11 to depend from independent claim 10. Appropriate correction is required.
2. Claim 12 is objected to because of the following informalities: on line 1, claim depends from cancelled claim 1. Examiner will assume Applicant intended for claim 12 to depend from independent claim 10. Appropriate correction is required.
3. Claim 13 is objected to because of the following informalities: on line 1, claim depends from cancelled claim 3. Examiner will assume Applicant intended for claim 11 to depend from independent claim 12. Additionally, in claim 13, on line 1, "the device" should be changed to "the another device" so as to make clear Applicant is referring to the another device of claim 12. Furthermore, on line 2, "the terminal devices" should be change to "the terminal device". Appropriate correction is required.
4. Claims 10, 14 are objected to because of the following informalities: on line 5, after "handle", "the" should be changed to an "a". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 10-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yaker US 6,594,230.

Regarding claim 10, the claimed communication controller for communication operations which arrive at a terminal device for telephony over Internet protocol is disclosed by an access node (Figure 1, element 140) monitoring the packet network for incoming calls (Figure 6, step 605) and detecting an incoming call when data packets are received identifying the user station (Figure 1, element 130) as the destination. See column 6, lines 66-67 and column 7, lines 1-5. The claimed device which compares a received identification of a calling subscriber with corresponding entries of a communication partner file of a called subscriber is disclosed by the processor in the access node running a call forwarding routine in which the calling station is compared to entries in a call routing directory defined by the user station. See column 4, lines 3-5, column 7, lines 53-63 and column 8, lines 32-37.

The claimed device provides a procedure to handle the incoming call in the communication partner file if the calling subscriber is recognized as a communication partner in the communication partner file is disclosed by the call forwarding routine finds an entry in the call routing directory for the source, specifically an alternate destination to forward the call. See column 8, lines 24-31.

The claimed if the calling subscriber is not recognized as included in the communication partner file, the device provides a procedure to handle the incoming call

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is disclosed by if it is determined an entry does not exist for that source in the call routing directory, the call forwarding routine in processor determines whether a default destination has been specified in the directory for the call. See column 8, lines 9-18.

Regarding claim 11, the claimed communications controller located in a terminal device is disclosed by call forwarding routine run by processor can be resident in user station. See column 8, lines 32-41.

Regarding claim 12, the claimed communications controller is located in another device which is assigned to an IP network is disclosed by access node (Figure 1, element 140) being an Internet service provider. See column 3, lines 17-22. The claimed terminal device for telephony over Internet protocol is configured for connection is disclosed by user station is configured for transmission of data packets through Internet (Figure 1, element 100) to other stations (Figure 1, elements 120 and 150). See column 3, lines 2-6.

Regarding claim 14, the claimed method of controlling communication operations which arrive at a terminal device for telephony over Internet protocol is disclosed by an access node (Figure 1, element 140) monitoring the packet network for incoming calls (Figure 6, step 605) and detecting an incoming call when data packets are received identifying the user station (Figure 1, element 130) as the destination. See column 6, lines 66-67 and column 7, lines 1-5. The claimed comparing a received identification of a calling subscriber with corresponding entries of a communication partner file of a called subscriber is disclosed by the processor in the access node running a call forwarding routine in which the calling station is compared to entries in a call routing

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directory defined by the user station. See column 4, lines 3-5, column 7, lines 53-63 and column 8, lines 32-37.

The claimed providing a procedure to handle the incoming call in the communication partner file if the calling subscriber is recognized as a communication partner in the communication partner file is disclosed by the call forwarding routine finds an entry in the call routing directory for the source, specifically an alternate destination to forward the call. See column 8, lines 24-31.

The claimed if the calling subscriber is not recognized as included in the communication partner file, providing a procedure to handle the incoming call is disclosed by if it is determined an entry does not exist for that source in the call routing directory, the call forwarding routine in processor determines whether a default destination has been specified in the directory for the call. See column 8, lines 9-18.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker et al. in view of Sheu US 7,099,301.

Yaker et al. discloses the claimed communications controller for communication operations with the access node (Figure 1, element 140) monitoring the packet network for incoming calls (Figure 6, step 605). However, Yaker et al. does not disclose the claimed device assigned to an IP network being a proxy module with a representative function for the terminal device for telephony over Internet protocol which is configured for connection to the IP network.

Sheu discloses a proxy gateway (Figure 2, element 160) for voice over Internet protocol telephony. The gateway bridges between VoIP user device terminals attached to the Internet and telephone devices attached to a telephone network through a VoIP gateway. See column 2, lines 30-33. At the time the invention was made it would have been obvious to modify the access node and Internet telephony of Yaker et al. with the proxy gateway of Sheu. One of ordinary skill in the art would be motivated to do so because the proxy gateway improves VoIP telephony by providing interoperability among diverse devices, enforcement of call authorization, call setup, call proceeding and call termination. See column 2, lines 34-39.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Smyk US 6,597,686 discloses apparatus and method for Internet telephony routing.
- Chinni et al. US 6,205,135 disclose access platform for Internet-based telephony.
- Chang et al. US 6,118,864 disclose providing communication on a wide area network.
- Ramamurthy US 6,304,565 discloses completing long distance pots calls with IP telephony endpoints.
- Jones et al. US 6,141,341 disclose voice over Internet protocol telephone system and method.
- Kung et al. US 6,826,173 disclose enhanced subscriber IP alerting.
- Mauger et al. US 6,507,577 disclose voice over Internet protocol network architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.- 5:00 p.m.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melanie Jagannathan  
Patent Examiner  
Art Unit 2616  
September 15, 2006